

XVII. And be it enacted, That any person who is draughted, and shall refuse to go on duty, unless excused as hereafter provided, shall pay a sum not exceeding one thousand pounds nor under twenty pounds common money, at the discretion of a court-martial; which said court-martial shall be summoned on or before the tenth day of June next, by the lieutenant of the county, to meet within five days from the time of issuing the summons for the meeting of the said court, and in case of failure the said lieutenant shall forfeit the sum of two hundred pounds common money: And all the field officers of the county shall be summoned to attend, and the lieutenant and every field officer neglecting or refusing to attend, without being prevented by sickness or some unavoidable accident, shall forfeit and pay the sum of one hundred pounds common money, and a majority of the said field officers may compose the said court; and in case of the absence of the lieutenant, from sickness or other cause, then the summons for the meeting of the said court shall be issued by the oldest field officer of the county, in manner and form aforesaid, under the penalty aforesaid; and such persons who are draughted, and are not able to pay, and have families, shall be imprisoned at the discretion of such court-martial (not exceeding nine months, without bail or mainprize) or may be entirely discharged; and those who are able bodied, and have not families, and are unable to pay, shall be considered as soldiers enlisted, and have their choice of serving for nine months, or three years, or during the war.

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Persons draughted and refusing to go to be fined at the discretion of a court-martial, &c.

XVIII. And be it enacted, That such court-martial may, and they are hereby authorized and empowered, at their discretion, to excuse any person so draughted, whose peculiar circumstances they shall be of opinion entitle him to be excused from actual service or imprisonment.

Court-martial may excuse persons draughted, &c.

XIX. And, For hearing appeals from the determination of said court-martial,

XX. Be it enacted, That the governor and the council may, and they are hereby empowered and requested to issue their commission to each and every county of this state, thereby constituting five of the most respectable inhabitants of such county, who may be above the age of fifty years or otherwise exempt from militia and military duty, and who may have taken the oath prescribed by the act, entitled, An act to punish certain crimes and misdemeanors, and to prevent the growth of toryism, to set as judges of a court of appeals; which said court shall have full power and authority, on complaint to them made in nature of an appeal from the judgment of said court-martial, within ten days after their first meeting, to hear and determine all such complaints in a summary way, and may in their discretion mitigate or grant relief against such judgment of the court-martial.

Governor and council may appoint a court of appeals, &c.

XXI. And be it enacted, That all such fines, when imposed, shall be paid to the county lieutenant or presiding field officer of such court-martial, within twenty days after the same are imposed; and in case such fines shall not be so paid, the said court-martial, in all cases when there shall be no appeal from the sentence thereof, shall, twenty days after their adjudication and imposing of any fine and fines as aforesaid, transmit a copy of the sentence of the said court to the clerk of the county, who immediately after the receipt thereof shall issue a writ or

How fines are to be paid and recovered.